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17 **UNITED STATES DISTRICT COURT**

18 **DISTRICT OF NEVADA**

19 TEAL PETALS ST TRUST,

20 Plaintiff,

21 vs.

22 NEWREZ LLC f/k/a NEW PENN FINANCIAL  
23 d/b/a SHELLPOINT MORTGAGE  
24 SERVICING; a foreign limited liability  
25 company; and DOE individuals I through XX;  
and ROE CORPORATIONS I through XX,

26 Defendants.

27 Case No.: 2:22-cv-00395-JAD-DJA

28 **STIPULATION AND ORDER TO EXTEND  
DISCOVERY DEADLINES**

29 **(FOURTH REQUEST)**

30 NEWREZ LLC f/k/a NEW PENN FINANCIAL  
31 d/b/a SHELLPOINT MORTGAGE  
32 SERVICING,

33 Counterclaimant,

34 vs.

35 TEAL PETALS ST TRUST; DOES I through X,  
36 inclusive; and ROE CORPORATIONS  
37 I through X, inclusive,

38 Counterdefendants.

1       Teal Petals St Trust and NewRez LLC f/k/a New Penn Financial d/b/a Shellpoint Mortgage  
2 Servicing, file this stipulation to request the court to extend the close of discovery by sixty (60) days.  
3 This is the parties' fourth request for an extension of the current discovery deadlines.

4 **I. INTRODUCTION.**

5       This is the second action concerning the Fannie Mae-owned deed of trust (**Deed of Trust**)  
6 recorded against real property located at 9863 Dublin Valley Street in Las Vegas (**Property**), which  
7 Teal Petals' predecessor-in-interest purchased at an HOA foreclosure sale in 2011. Teal Petals was  
8 the title owner of the subject property when it initiated this action in February 2022. Teal Petals  
9 claims it transferred title to Dublin Valley, LLC on June 23, 2022. A Deed-of-Trust foreclosure sale  
10 was set for June 24, 2022. Dublin Valley initiated a bankruptcy action for the purpose of stopping  
11 the foreclosure sale. After the bankruptcy court granted Shellpoint's motion to retroactively annul  
12 the automatic stay, the trustee under the Deed of Trust foreclosed on the Property. Saticoy Bay LLC  
13 Series 9863 Dublin Valley St made the winning bid of \$427,100 at the Deed-of-Trust foreclosure  
14 sale on May 17, 2023. No deed to Dublin Valley or Saticoy Bay is recorded.

15       Teal Petals asserts claims for quiet title/declaratory relief, slander of title,  
16 fraud/misrepresentation, equitable relief – rescission, and unjust enrichment. Teal Petals claims  
17 NRS 106.240 extinguished the Deed of Trust "by operation of law and rendered [it] null, void and  
18 unenforceable not later than September 2, 2020," ten years after the alleged 2010 trigger date. *See*  
19 Compl. at ¶ 41. Shellpoint contends the Deed of Trust continued to encumber the Property until  
20 May 17, 2023, and that Teal Petals' theory has been soundly rejected to the point that continuing to  
21 maintain this action in the face of binding precedent to the contrary is without reasonable grounds.  
22 Shellpoint asserts counterclaims for quiet title/declaratory judgment, tortious interference with  
23 contractual relations, unjust enrichment, slander of title, abuse of process, and equitable lien – in the  
24 alternative against Teal Petals in this action. Shellpoint moved for judgment on the pleadings as to  
25 Teal Petals' claims and its quiet-title counterclaim, and its dispositive motion is fully briefed. ECF  
26 Nos. 40, 53, 54. Shellpoint has also initiated litigation against Teal Petals through its trustee,  
27 Resources Group, LLC, along with several other defendants as case no. 2:23-cv-01839 (**new action**).  
28 Teal Petals and Shellpoint agree to reset the discovery schedule in this case as set forth below.

1       **II. STATEMENT SPECIFYING THE DISCOVERY COMPLETED.**

2                  Discovery is currently set to close on January 29, 2024. ECF No. 42. To date, the parties  
3 have undertaken the following discovery:

4                  1) Shellpoint served its initial disclosures on April 7, 2022.  
5                  2) Teal Petals served its initial disclosures on August 9, 2023.  
6                  3) Teal Petals served its first set of interrogatories and first set of requests for production  
7 of documents on Shellpoint on October 17, 2023.

8                  4) Shellpoint served a first supplement to its initial disclosures on October 25, 2023.  
9                  5) Shellpoint served its first set of interrogatories, first set of requests for admission, and  
10 first set of requests for production of documents on Teal Petals October 25, 2023.

11                 6) Shellpoint served a subpoena duces tecum for real property tax records on the  
12 custodian of records for the Clark County Treasurer on October 26, 2023.

13                 7) Shellpoint served a second supplement to its initial disclosures on November 3, 2023.  
14                 8) Shellpoint served a notice of deposition on November 3, 2023, setting Teal Petals'  
15 Rule 30(b)(6) deposition for November 29, 2023.

16                 9) Shellpoint received documents from the Clark County Treasurer in response to its  
17 subpoena duces tecum on November 6, 2023.

18                 10) Shellpoint served a third supplement to its initial disclosures on November 29, 2023.

19                 11) Shellpoint served its answers to Teal Petals' first set of interrogatories and first set of  
20 requests for production of documents on November 29, 2023.

21                 12) Teal Petals' served its responses to Shellpoint's first set of interrogatories, first set of  
22 requests for admission, and first set of requests for production of documents on November 29, 2023.

23                 13) Shellpoint served its verified answers to Teal Petals' first set of interrogatories on  
24 December 11, 2023.

25                 14) Shellpoint served a notice of deposition on December 29, 2023, setting Teal Petals'  
26 Rule 30(b)(6) deposition for January 17, 2024, to continue on January 18, 2024, as necessary.

27                    ///

28                    ///

1       **III. SPECIFIC DESCRIPTION OF THE DISCOVERY THAT HAS NOT BEEN COMPLETED.**

2           1)       Rule 30(b)(6) deposition of Teal Petals (and follow-up discovery on any new issues  
3 that arise at the deposition).

4           2)       Third-party discovery.<sup>1</sup>

5       **IV. REASON WHY EXTENSION IS REQUIRED / GOOD CAUSE.**

6       The Court granted the parties' request to stay discovery in this case based on Dublin Valley's  
7 bankruptcy action, which it lifted in March 2023. ECF Nos. 19, 23. Since then, the Deed of Trust  
8 foreclosure has taken place, Shellpoint amended its responsive pleading, the parties have engaged in  
9 discovery, and Shellpoint initiated a new action against Teal Petals, through its trustee, among  
10 others. *See supra*. Shellpoint has moved to consolidate this case with the new action, which Teal  
11 Petals does not oppose. ECF Nos. 41, 49. Shellpoint recently filed acceptances of service for all of  
12 the defendants in the new action. **Ex. A.** Teal Petals' counsel represents some of those defendants,  
13 who have agreed to consolidation. Shellpoint inquired with counsel for the remaining defendants in  
14 the new action as to whether his clients will stipulate to consolidation, but Shellpoint's request  
15 remains pending. The parties in this case previously engaged in settlement discussions, and they are  
16 now revisiting those settlement discussions. Teal Petals' settlement offer is still under consideration.

17       The parties seek an extension of the discovery deadline set for January 29, 2024. Should the  
18 court grant the parties' request, Shellpoint intends to reset Teal Petals' deposition for a later date.  
19 The parties aim to avoid unnecessary fees and costs related to the deposition while settlement  
20 negotiations are pending and/or duplicative discovery and deposition testimony upon consolidation.  
21 To the extent the parties' negotiations do not result in settlement, additional time is needed for  
22 consolidation and coordination of discovery between this case and the new action.

23       **V. PROPOSED SCHEDULE FOR COMPLETING ALL REMAINING DISCOVERY.**

24       The parties agree that discovery will be extended sixty (60) days, and the scheduling order  
25 deadlines will be extended to the following:

26           (a)      Discovery Cut Off: **Friday, March 29, 2024.**

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27       <sup>1</sup> The parties reserve the right to participate in additional discovery during the time frames outlined  
28 below should the need arise.

- (b) Motions to amend pleadings or add parties: **None requested.**
- (c) Initial Expert Disclosures: **None Requested.**
- (d) Rebuttal Expert Disclosures: **None Requested.**
- (e) Dispositive motions: **Monday, April 29, 2024.**<sup>2</sup>
- (f) Pre-Trial Order: **Monday, May 29, 2024.**

DATED this 8<sup>th</sup> day of January, 2024.

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## IT IS SO ORDERED.

**UNITED STATES MAGISTRATE JUDGE**

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DATED: 1/10/2024

<sup>2</sup> The date occurring 30 days after the close of discovery falls on Sunday, April 28, 2024. The parties agree to move this deadline to the following business day.